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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT PORTLAND

**MASONRY BUILDING OWNERS OF
OREGON, an Oregon mutual benefit
nonprofit corporation, FOUNTAIN
VILLAGE DEVELOPMENT LLC, an
Oregon limited liability company, and
JIM A. ATWOOD, in his capacity as
trustee of the Jim. A. Atwood Trust dated
August 10, 2017,**

PLAINTIFFS,

v.

**TED WHEELER, in his official capacity as
Mayor of the City of Portland and
Commissioner in charge of the Bureau of
Development Services, DAN SALTZMAN, in
his official capacity as Commissioner in
charge of the Fire Bureau, and CITY OF
PORTLAND, an Oregon municipal
corporation,**

DEFENDANTS.

Case No.: 3:18-cv-02194-AC

**DECLARATION OF JOHN
BEARDSLEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

1. I am a member of Fountain Village Development LLC, an owner of Western Rooms and one of the Plaintiffs in this case.

2. I make this declaration in support of plaintiffs' motion for a preliminary injunction.

3. Western Rooms, located at, 15 SW 2nd Avenue, is a four story building that was constructed in 1906 for use on the ground floor as a transient labor hiring hall, barber shop, dine and bar and lobby for the upper three stories which contained sleeping areas. These areas had flimsy seven foot high demising walls providing 120 single separated cubicles per floor, covered atop with chicken wire, thus capable of housing 360 men per night. Rents were reasonable, 50 cents per night for an outside room, and 40 cents for an inside room. A large communal lavatory served each floor.

4. When Fountain Village Development acquired the building in 1966 (60 years later) the uses provided by the building remained the same except that the ground floor uses had transformed into a rescue mission plus a vacant area. Fountain Village operated the property for more than ten years, and added a bookstore, antique store and restaurant and bar tenancies, some of which are operated by new owners today.

5. The biggest change to the building commenced in 1979 when a complete seismic upgrade was accomplished to allow the conversion of the upper three floors into 39 market rate apartments. Ray Miller was the engineer, and Chilless Nielsen were the architects for the project. The City of Portland approved the plans subject to the highest seismic standard then known, which was referred to as the 1977 seismic requirement. I was not as knowledgeable as I am today, as I accepted steel X bracing in the building's large ground floor windows, even though there were alternative methods that weren't as visually intrusive. The steel X bracing is but a small part of the total reinforcement work done to satisfy the City's requirements, but it is readily

visible which testifies that seismic work was done for the building, and that it is now substantially reinforced.

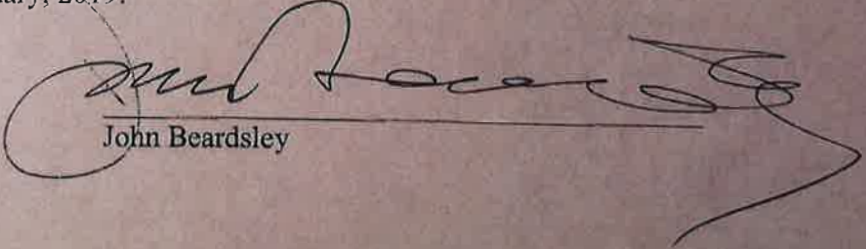
6. Because of Portland Development Commission's participation in financing this rehabilitation, and the federal government's historic building preservation program, the grand opening was attended by then Mayor Goldschmidt and Congressman Les Aucoin, who took turns taking credit before the cameras for the whole redevelopment.

7. I am including copies of the grand opening announcement and the Oregonian's coverage of the event.

8. Notwithstanding, the building is now subject to the Ordinance which is the subject of this lawsuit.

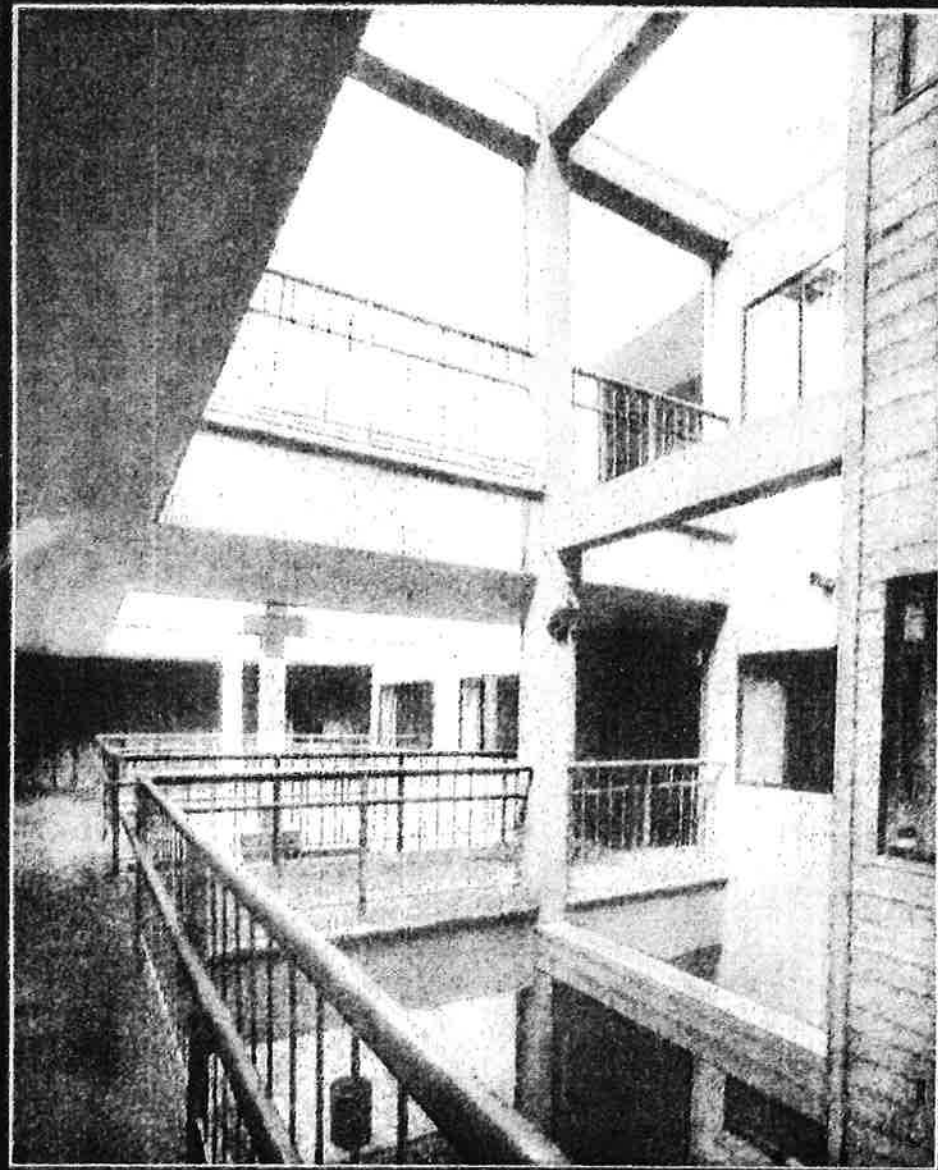
I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 3rd day of February, 2019.



John Beardsley

WESTERN ROOMS



Located in historic Skidmore/Old Town, the Western Rooms provides yet another unique addition to the area south of Burnside. The restoration of the building, constructed in 1906, enhances the historic district's character by creating housing on the once vacant upper stories and retaining retail and restaurants on the street level compatible with the district.

The masonry building, at the intersection of Second and Ankeny, is a prominent structure in an area where the unique pieces of Old Town and Portland's history come together: Ankeny Arcade with its cast iron architecture; the Skidmore Fountain; Dan & Louis Oyster Bar, an old Portland tradition; the Saturday Market and Waterfront Park. The Western Rooms itself provided housing for many years -- built originally to provide 380 transient quarters for itinerant lumbermen and field hands. The building slowly deteriorated and was vacated.

With renewed activity in the historic district and the accompanying public improvements, buildings like the Western Rooms are being restored and given new life. The Western Rooms now continues its history with a mix of uses on the ground level and 39 units of low income elderly housing on the upper floors. An interior courtyard provides light from a roof skylight and the rooms have been completely reconstructed.

The project was financed by the Portland Development Commission's Investor Rehabilitation Loan Program, assisted through the Department of Housing and Urban Development's Section 8 Program, with Columbia Mortgage Company and Standard Insurance. The developer is John Beardsley, architects are Chilless Nielson and contractor is Valley Inland Pacific.



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THE SUNDAY OREGONIAN, JULY 5, 1981

One-time flophouse now a home

By JANET GOETZ
of The Oregonian staff

The Western Rooms, once a historic building and later a boarded-up flophouse, has become a landmark of another sort with the completion of 39 apartments for the low-income elderly and handicapped.

The apartments, at Southwest Second Avenue and Ankeny Street, are the first completed under Portland's plan to "recapture" downtown housing units.

"They also are the first apartments created in the Old Town area — where most residents live in single-room-occupancy hotels — since the Housing Authority of Portland completed the efficiency units in the Foster Hotel in 1975.

"I sure like it. In fact, I love it," said Mel Reynolds, sitting in the easy chair in his living room, just off an interior courtyard that provides light and air away from the sounds of the street.

"I think it's a wonderful bachelor's apartment," said Reynolds, who has been disabled since an automobile accident damaged his spine, leg and arm three years ago.

For Mattie Dolby, her one-bedroom corner apartment offers a view of Ankeny Plaza, with its historic cast-iron architectural pieces and Saturday Market's weekend activities.

"It's handy to the buses, and it's



Staff photo by BOB ELMS

APARTMENTS OPEN — The Western Rooms, a historic building at Southwest Second Avenue and Ankeny Street, has restaurants and shop on first floor and, on upper floors, 39 new apartments completed under Portland's plan to "recapture" downtown housing by rehabilitating buildings.

handy to shopping," she noted.

In 1978, a Portland Development Commission inventory of downtown

housing showed a net loss of 1,700 units between 1970 and 1978.

However, the survey indicated that about 1,200 units were in buildings, such as the Western Rooms, that had been closed but not demolished.

In many cases, the owners were unable to upgrade upper floors of the buildings to keep them open for tenants, although some of the structures retained ground-floor commercial uses.

A Downtown Housing Advisory Committee appointed by the City Council developed a downtown housing pro-



COURTYARD VIEW — Mattie Dolby, standing in the tiered interior courtyard, watches visitors during the recent dedication of the Western Rooms. The historic structure had three unused floors before the owner accepted the city's help in creating 39 new Old Town apartments.



NEW HOME — Mel Reynolds points to wall decor he found at a bargain price for his new bachelor apartment in the Western Rooms. Off the kitchen, behind him, is an interior courtyard for light and air without street noises.

gram adopted by the council in 1979.

Part of that program's strategy was to contact owners of vacant or partially vacant buildings and help them convert the structures for apartments.

John Boardman of Corvallis, who has owned the Western Rooms since 1966, was interested in the city plan for his building, which has two restaurants and a specialty shop on the ground floor.

The project was financed with a \$852,800 interim loan from Columbia Mortgage Co. and permanent financing by Standard Insurance Co. This money was combined with a low-interest loan of \$935,200 from the development commission through federal Departments of Housing and Urban Development funds.

The new apartments increase the choices of housing types in the down-

town area, said Sam Calbreath, multifamily housing manager for the development commission.

"Neighborhood pride and support are important influences," he said. "These apartments have attracted a very stable population group to the area."

The apartments, designed either as bachelor or one-bedroom units, have pale wood cabinets lining the kitchens and wide doors and grab bars in the bathrooms for handicapped persons.

The most striking feature of the remodeling work — the tiered, cedar-lined courtyard — isn't visible from the street.

But it gives even interior apartments a glow of light and provides an in-city version of a backyard patio for the tenants of the 1900 landmark.



LIGHT HOUSE — Mattie Dolby's corner apartment in the Western Rooms in Old Town offers a view of the historic district and lots of daytime light. Mrs. Dolby likes being close to buses and downtown shops.